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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,232	07/03/2003	Andreas Kainz	6841-04	4782

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EXAMINER

NASRI, JAVAID H

ART UNIT	PAPER NUMBER
2839	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,232

Applicant(s)

KAINZ ET AL.

Examiner

Javaid Nasri

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 7/5/2002. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- a) The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 601.01(a).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
- b) Claim 1 recites the limitation "the first sliding contact elements" in line 7. There is insufficient antecedent basis for this limitation in the claim.
- c) Claim 1 recites the limitation "the second sliding contact elements" in line 10. There is insufficient antecedent basis for this limitation in the claim.
- d) Claim 7 recites the limitation "the piston rod" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- e) Claim 16 recites the limitation "the piston rod" in line 4. There is insufficient antecedent basis for this limitation in the claim.
- f) Claim 16 recites the limitation "the pneumatic positioning device" in line 5. There is insufficient antecedent basis for this limitation in the claim.
- g) Claim 17 recites the limitation "the contact carrier" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- h) Claims 31-33 recites the limitation "the detent element" in line 1. There is insufficient antecedent basis for this limitation in the claims.
- i) In claim 25, it is not clear what the applicant meant by "controllable in dependence on the coupling procedure".
- j) In claim 36, it is not clear what the applicant meant by "free running position".

Note: These are few examples only. Applicant is required to check all the claims and correct them accordingly.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 5, 6, 8-13, 15, 18, 19, 21, 22, 26-28, 30-33, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Batty (4,927,374).

Batty discloses a first and a second contact carrier housing (2, 4), each of which contains a first or second contact carrier for first or second contact elements which upon coupling come into electric contact with one another, characterized in that the first and the second contact carriers with respect to the coupling axis of the electric contact coupling are each formed rotationally symmetrically, that the first contact carrier is formed as a plug part with a cylindrical outer circumferential surface on which the first sliding contact elements are arranged, and that the second contact carrier is formed as a socket part intended to receive the plug part and has a cylindrical inner circumferential surface on which the second sliding contact elements are arranged, manually actuatable, one of the first and second contact elements have stationary contact surfaces and that the other sliding contact elements have spring contacts (166) for engagement with the stationary contact surfaces, one of the contact carriers is axially adjustable by means of a positioning device (very broadly claimed, anything could be a positioning device), the other contact carrier is elastically axially supported and is biased in the coupling direction (166, see figure 6A), the contact carriers are rotationally securely supported in their associated contact

carrier housings, the first contact carrier on its side facing the second contact carrier has a pot shaped cylindrical recess (see figure 2) in which plug contact elements are arranged, which plug contact elements are intended for cooperation with complementary contact elements on a second contact carrier, the plug contact elements are formed as contact pins and that the complementary contact elements are formed as sockets, centering surfaces are formed on the plug part and on the socket part for cooperation with one another (very broadly claimed), centering elements are arranged in the recess of the first contact carrier (300, 310), electric screen (110, 102), conical centering surfaces (300), elastic fastening element (308), the fastening elements are so arranged that the contact carrier housings in their coupling directions protrude slightly beyond the associated coupling head of the mechanical coupling, the contact carriers in the coupled condition are lockable relative to one another, the first contact carrier is lockable with the second contact carrier housing, movable locking element (308, 408, 798 deflecting), the movable parts of the positioning device are arranged at least substantially in the first contact carrier housing or in a housing rigidly connected with the first contact carrier housing, the positioning device in the coupled condition is switchable to a free running position in which the first contact carrier is axially freely movable with respect to the first contact carrier housing.

7. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakata et al (5,529,510).

Wakata et al discloses a first and a second contact carrier housing (1, 2), each of which contains a first or second contact carrier for first or second contact elements which upon coupling come into electric contact with one another, characterized in that the first and the second contact

carriers with respect to the coupling axis of the electric contact coupling are each formed rotationally symmetrically, that the first contact carrier is formed as a plug part with a cylindrical outer circumferential surface on which the first sliding contact elements are arranged, and that the second contact carrier is formed as a socket part intended to receive the plug part and has a cylindrical inner circumferential surface on which the second sliding contact elements are arranged, the coupling is automatically actuatable (20, 21, 11), each contact carrier housing is designed for fastening to a coupling head of an automatic mechanical coupling **for** vehicles.

Note: Regarding “**for** vehicles” in Apparatus, Article and Composition Claims, Intended Use Language Must Result in a Structural Difference to Patentably Distinguish Over the Prior Art. See MPEP § 2111.02, 2112, & In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 23-25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batty in view of Brown et al (5,746,611).

Batty discloses all the limitations of claim 1, as shown above,

However, Batty does not disclose:

a) Cover plate controllably moveable perpendicular to the coupling axis.

Brown et al discloses a cover plate (28) controllably (by hand) moveable

perpendicular to the coupling axis, therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Batty to have a cover plate controllably moveable perpendicular to the coupling axis in view of Brown et al to eliminate entry of any foreign object.

- b) A sensor. Official notice is taken that a detector for detecting the coupling of electrical connectors is well known in the art, therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Batty to have a detector for detecting the coupling of electrical connectors for better monitoring of the system.

Allowable Subject Matter

- 10. Claims 7, 14, 16, 17, 20 and 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

REASONS FOR ALLOWANCE

- 11. The following is an examiner's statement of reasons for allowance:

The reason for allowance of the claims is the inclusion of the limitation,

- a) For claim 7, none of the prior art teaches or suggest, alone or in combination the first contact carrier is connected with a piston rod of a double acting pneumatic cylinder, in combination with other limitations in the claim, which is not found in the prior art reference of record.

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- b) For claim 14, none of the prior art teaches or suggest, alone or in combination the centering elements are formed as ribs of an electric conducting material, in combination with other limitations in the claim, which is not found in the prior art reference of record.
- c) For claim 16, none of the prior art teaches or suggest, alone or in combination, the bottom of the contact carrier container is connected with a piston rod of a pneumatic positioning device, in combination with other limitations in the claim, which is not found in the prior art reference of record.
- d) For claim 20, none of the prior art teaches or suggest, alone or in combination, the centering member has an associated signal producer, which responds to the mating engagement of the centering means, in combination with other limitations in the claim, which is not found in the prior art reference of record.
- e) For claim 29, none of the prior art teaches or suggest, alone or in combination, the locking element is a pin movable by an electromagnet, in combination with other limitations in the claim, which is not found in the prior art reference of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Or faxed to: 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

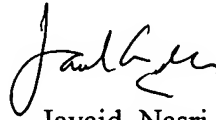
Hand-delivered responses should be brought to:

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Javaid Nasri
Primary Examiner
Art Unit 2839

JN
jhn

June 3, 2004